

SECTION 4.1-1 Business Licenses
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4.1-1.1 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a. Business shall mean all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters together with all devices, machines, vehicles, and appurtenances used therein any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the Town of Clayton or anywhere else within its jurisdiction.
- b. License or Licensee shall mean and include respectively the words Permit or Permittee or the holder for any use or period of time of any similar privilege.
- c. Premises shall mean all lands, structures, places, and also the equipment and appurtenances connected or used therein in any business and also any personal property which is either affixed to or is otherwise used in connection with any business conducted on the premises.

4.1-1-2 Compliance

It shall be unlawful for any person, either directly or indirectly, to conduct any business or non-profit enterprise or to use in connection therewith any vehicle, premises, machine, or device in whole or in part of which a license or permit is required by this code without a license or permit thereof first being procured and kept in effect at all times required by this Ordinance.

4.1-1-3 What Constitutes Doing Business

For the purpose of this Ordinance, any person shall be deemed to be in business or engaging in non-profit enterprise when that person does any act in furtherance of selling any goods or services that amount to or is part of any regular and systematic course of business in the Town.

4.1-1.4 Contents of License Application

Every person required to procure a license under the provisions of this Ordinance shall submit an application for that license to the Town Foreman of the Town of Clayton. The application shall require:

- a. The name and business address of licensee;
- b. The trade, business, or occupation for which the license is requested;
- c. The criminal history of applicant which shall include all convictions;
- d. The license history of the applicant which shall state whether the applicant in previously operating in this or another state under a license has had the license revoked or suspended and the reasons thereof;
- e. A notarized affidavit that all information in the application is accurate.

4.1-1.5 Granting of License

The Town Foreman for the Town of Clayton shall make all decisions concerning the granting of a business license.

4.1-1.6 Qualifications of Applicant

In determining whether to grant a business license, the Town Foreman of the Town of Clayton shall consider the following:

- a. Good moral character. In making that decision Town Foreman shall consider:
 - (1) Penal history. All convictions, the reasons therefore and the demeanor of the applicant subsequent to his release.
 - (2) License history. The license history of the applicant, whether that person in previously operating in this or another state under a license has had the license revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to that action.

- (3) General personal history. Any other facts relevant to the general personal history of the applicant as shall be necessary to a fair determination of the eligibility of the applicant.
- b. Prior to the issuance of a Town of Clayton Business License, the applicant must obtain all necessary State approvals and licensing before the Town of Clayton license shall be issued. The applicant shall not have any pending violations with the Town of Clayton. Further, the applicant shall not be in default under the provision of this ordinance, or indebted or obligated to the Town in any way, to include utilities and taxes.
- c. Compliance with zoning ordinances. All zoning ordinances must be complied.
- d. The business must not adversely affect the health, safety, or general welfare of the Town of Clayton.

4.1-1.7 License Fees

License fees shall be in the amount of \$50.00 and are to be paid annually.

4.1-1.8 General Standard of Conduct

Every licensee under this Ordinance shall:

- a. Comply with all laws, ordinances, regulations, and rules of the State, County, and the Town of Clayton.
- b. Avoid all practices or conditions that may adversely affect the public health, safety, or welfare of the Town of Clayton.
- c. Refrain from operating the licensed business after expiration of the license and during any period the license is revoked or suspended.

4.1-1.9 Display of License

Every license under this Ordinance shall post and maintain the license upon the licensed premises in a place where it may be seen at all times.

4.1-1.10 Transfer of License

There shall be no transfer of licenses or permits.

4.1-1.11 Summary Action

- a. When the conduct of any licensee, agent, or employee is so inimical to the public health, safety, and general welfare as to constitute a nuisance and thus give rise to an emergency, the Town Foreman of the Town of Clayton shall have the authority to summarily order the cessation of business and the close of the premises or to suspend or revoke the license.
- b. Unless waived in writing within ten (10) days after the Town Foreman of the Town of Clayton has acted summarily, the Town Council shall conduct a special hearing for the action in respect to the summary order. Notice of the hearing shall be given to the affected person by certified mail.

4.1-1.12 Penalties

Any individual, firm, business, or corporation who is in violation of this Ordinance shall upon conviction pay a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense. Each day of noncompliance shall constitute a separate offense.